

Comprehensive Revision of Dane County Zoning Ordinance

October 24, 2016

Town of Cottage Grove

Topics for discussion

- Accessory dwelling units
- Dependency living arrangements
- Duplexes
- Incidental room rental

Conditional Use Permits

Standards for approval

Current / Proposed Ordinance

Standards for approval. Before approving any conditional use permit, the town board and zoning committee must find that all of the following conditions are met:

1. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare;
2. That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use;
3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made;
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

Conditional Use Permits

Standard Conditions for all CUPs

Proposed Ordinance

- a) Any conditions required for specific uses listed under s._____.
- b) Must conform to approved narrative, site plan, operational plan and phasing plan.
- c) Must obtain all other required local, county, state and federal permits.
- d) Must meet all applicable local, county, state and federal licensing requirements.
- e) New and repurposed buildings must meet applicable state and local building and fire codes.
- f) Sanitary systems must be inspected and, if necessary, improved to meet current plumbing code for proposed use.
- g) Access only at approved locations identified in the site plan and operations plan.
- h) Off-street parking must be provided, consistent with s._____.
- i) Visual screening required if adjacent to residential or rural residential zoning.
- j) Landowner bears cost of necessary intersection improvements for new use.
- k) The Zoning Administrator (or designee) may enter premises to inspect.
- l) If needed expertise is not available in –house, ZLR / town may consult with a third party to ascertain compliance with conditions, cost born by CUP holder.
- m) The owner/operator must post a copy of the conditional use permit, including the list of all conditions, on the site.
- n) Failure to comply with any imposed conditions may be grounds for revocation.

Conditional Use Permits

Committee / town *may* impose, if necessary

Proposed Ordinance

- a) Any conditions necessary to meet six standards for approval.
- b) Limits on hours, days of operation or number of events each year
- c) Limits on number of employees.
- d) Limits on square footage of buildings or outdoor areas devoted to the activity.
- e) Conditions to establish decibel noise limits (db[a]) appropriate for the particular use and location.
- f) Expiration dates on conditional use permits, (except for communication towers). Continuation or extension of an expired conditional use requires re-application and re-approval.
- g) Surety bonds or other financial guarantees, to dismantle equipment, buildings or structures that may pose a hazard or nuisance after a conditional use permit is abandoned or revoked.
- h) Periodic or occasional review of conditional use permits, to make sure imposed conditions are met and the use continues to meet the standards for approval.

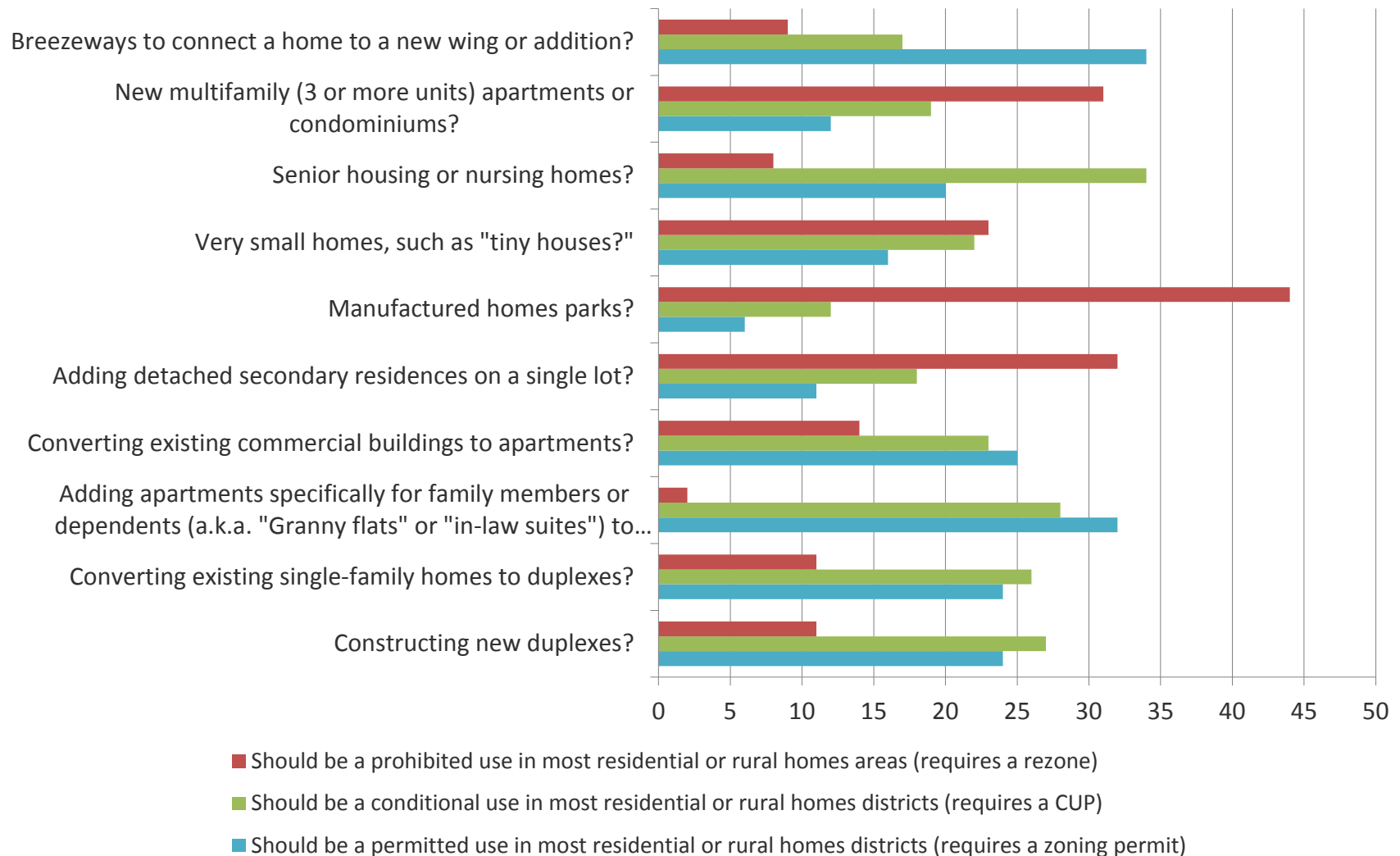


Residential and Lodging Uses

Permanent residential uses.



Q7: would you support a new code that would make it easier to develop any of the following housing types?



Proposed Residential, Rural Residential districts

Permanent residences



Permitted Use

- Single family residence
- Community living arrangement (<9 people)
- Foster homes (<5 children)
- Incidental room rental



Conditional Use (requires CUP)

- Accessory dwelling unit
- Community living arrangement (>9 people)



Prohibited Use (requires rezone)

- Duplexes
- Rooming house
- Multifamily residence

Possible Duplex Residential district?

Permanent residences



Permitted Use

- Single family residence
- Duplexes
- Community living arrangement (<9 people)
- Foster homes (<5 children)
- Incidental room rental



Conditional Use (requires CUP)

- Accessory dwelling unit
- Community living arrangement (>9 people)



Prohibited Use (requires rezone)

- Rooming house
- Multifamily residence

Residential Multi Family, Traditional Neighborhood Districts

Permanent residences



Permitted Use

- Single family residence
- Duplexes
- Multifamily residence
- Community living arrangement (<9 people)
- Foster homes (<5 children)
- Incidental room rental



Conditional Use (requires CUP)

- Accessory dwelling unit
- Community living arrangement (>9 people)
- Rooming house

Accessory Dwelling Units



Accessory dwelling units

Current Ordinance

- **Definition**

None

Proposed Ordinance

- **Definition.**

- a) A secondary dwelling unit contained within, or attached to, a principal single-family dwelling.
- b) A secondary dwelling unit contained within a detached building located on the same lot as a principal single-family dwelling. Examples include, but are not limited to, accessory buildings constructed in connection with a private garage or a private garage converted into a dwelling unit.
- c) Temporary secondary dwellings if occupied for more than two weeks within a calendar year. Examples include, but are not limited to, recreational vehicles, house trailers, mobile homes or caravans.

Accessory dwelling units

Standards

Current Ordinance

- Permitted use
 - None

Proposed Ordinance

- Permitted use
 - N/A

Accessory dwelling units

Standards

Current Ordinance

- Permitted use
 - None

Proposed Ordinance

- Conditional use
 - On lots zoned for single-family residential use, one accessory dwelling unit is permitted per lot.
 - Multiple accessory dwelling units per lot are permitted only in the _____, _____ or _____ districts, or within a mobile home park permitted under s. _____.
 - An accessory dwelling unit may be included in either an existing or new dwelling unit.
 - Lots accommodating an accessory dwelling unit must meet the minimum lot size for the applicable zoning district.
 - In no case shall an accessory dwelling unit exceed 40 percent of the living area of a principal dwelling unit, or 800 square feet, whichever is less.
 - Accessory dwelling units shall not be sold separately from the principal dwelling unit, nor from the property on which it sits.

Accessory dwelling units

Standards

Current ordinance

- None

Proposed Ordinance

- Conditional use (continued)
 - A lot or parcel of land containing an accessory dwelling unit shall be occupied by the owner of the premises. The owner may live in either the accessory dwelling unit or the principal residence.
 - The orientation of the proposed accessory dwelling unit shall, to the maximum extent practical, maintain the privacy of residents in adjoining dwellings. The town board or zoning committee may require screening, consistent with s. _____ between a property containing an ADU and adjacent properties.
 - Accessory dwelling units must meet applicable residential building codes or manufactured home codes.

Accessory dwelling units

Applicable zoning districts

Current ordinance

- None

Proposed Ordinance

- Permitted use: NONE
- Conditional use
 - Residential (R), Rural Residential (RH)
 - Rural Mixed-Use (A-2)

Duplexes



Duplex Definitions

Current ordinance

- Definition
 - Duplex family dwelling. A building designed to be occupied by two families living independently of each other.

Proposed Ordinance

- Definition
 - ***Duplex.*** A dwelling designed or intended to be occupied by two families living independently of each other.

Duplex Standards

Current ordinance

- Permitted use
 - Sewered lots for duplex dwellings shall be not less than 75 feet in width at the building setback line and have an area of not less than 10,000 square feet.
 - For duplex dwellings, the minimum depth of any rear yard shall be 35 feet.
- Conditional use
 - N/A

Proposed Ordinance

- Permitted use
 - Sewered lots for duplex dwellings shall be not less than 75 feet in width at the building setback line and have an area of not less than 10,000 square feet.
 - For duplex dwellings, the minimum depth of any rear yard shall be 35 feet.
- Conditional use
 - N/A

Duplex

Applicable zoning districts

Current ordinance

- Permitted use
 - R-3A
 - R-4
- Conditional use
 - N/A

Proposed Ordinance

- Permitted use
 - ***Do we need a zoning district that allows single-family and duplex use, but not multi-family?***
 - Residential Multi-Family
 - Traditional Neighborhood Residential
 - Traditional Neighborhood Mixed-Use
- Conditional use
 - N/A

Dependency living arrangements

Current ordinance

- Definitions
 - **Dependent** as it pertains to dependency living arrangements, is an individual who requires some assistance in the activities of daily living such as eating, dressing, bathing or ambulation.
 - **Dependency living arrangement** means a physical arrangement of a dwelling unit in such a fashion that separate living spaces are created within a dwelling unit for the sole purpose of allowing a dependent person to live in the secondary living area while the owner and his or her family reside in the principle living area. The secondary living area may contain a bath and limited kitchen facilities which permit a degree of independence.

Proposed Ordinance

- Definition
 - None. Treat as any other accessory dwelling unit .

Dependency living arrangements

Current ordinance

- Standards
 - ...the use shall be discontinued at the time that a dependent person ceases to reside in the secondary living area.
 - In no event shall the space so created be used for general rental purposes.
 - The town board and zoning committee may, if they so desire, require the owner to record deed restrictions implementing these additional restrictions and such deed restrictions may be required to run in favor of the county, the town and adjacent landowners..

Proposed Ordinance

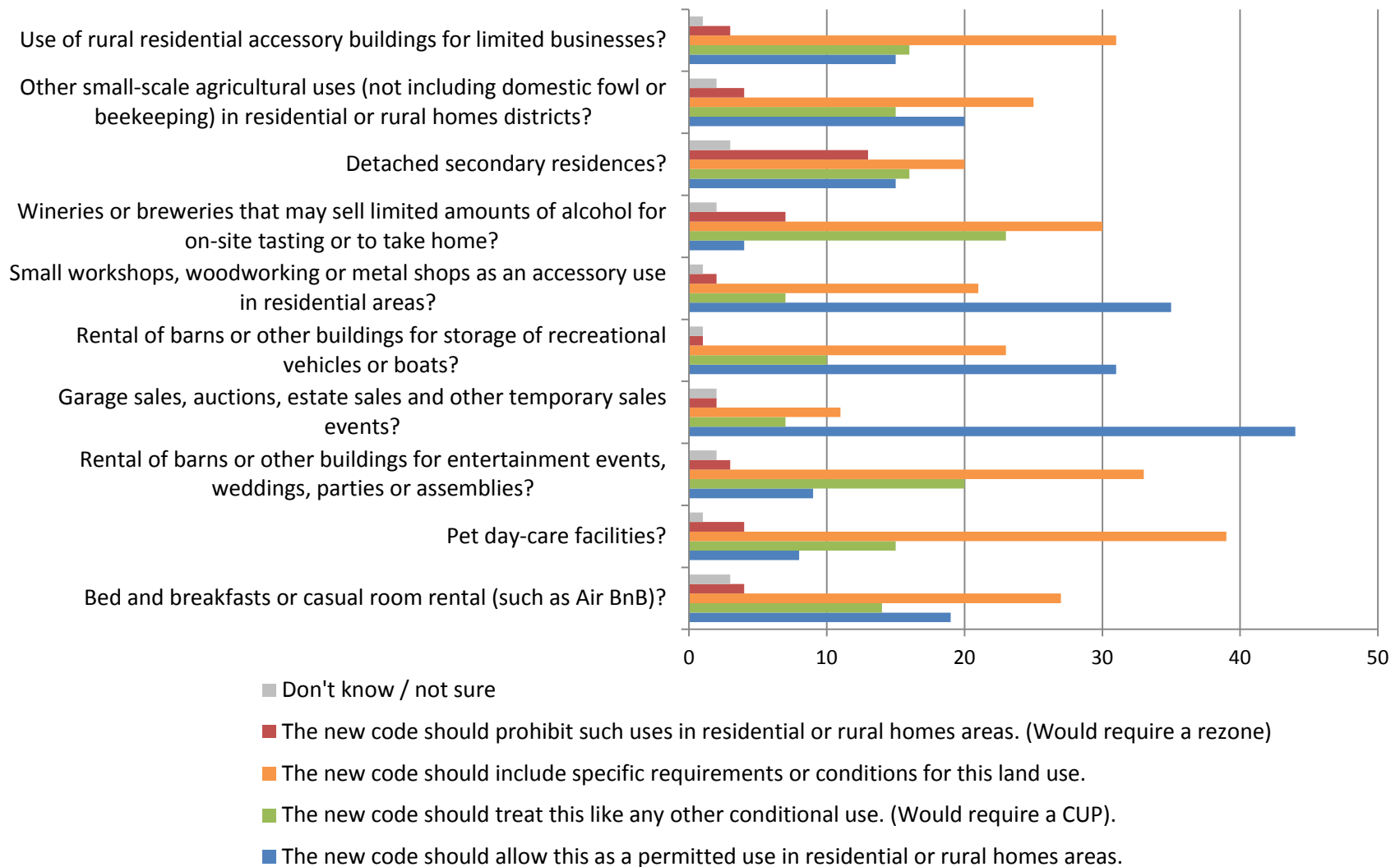
- Standards
 - Standards applicable to any conditional use
 - Standards applicable to Accessory dwelling unit or duplex uses

Transient lodging uses

- Incidental room rental
 - Transient lodging
- Indoor commercial lodging

Q2: How should the new code treat the following special uses?

(not specifically regulated in current code)





Residential and Lodging Uses

Transient lodging uses.



Proposed Residential, Rural Residential districts

Transient Lodging



Permitted Use

- Incidental room rental (AirBnB, lodgers, housemates)



Conditional Use (requires CUP)

- Transient Lodging (bed and breakfasts, hostels, resorts, cabins)



Prohibited Use (requires rezone)

- Campgrounds
- Indoor Commercial Lodging (hotels, motels, inns, etc.)

Transient Definitions

Current ordinance

- Definition
 - None

Proposed Ordinance

- Definition
 - **Transient.**
 - A person who travels to a location away from his or her permanent or legal address for a short period of time, not to exceed thirty days, for vacation, pleasure, recreation, culture, business or employment.
 - For the purposes of this ordinance, transients do not include:
 - **Nonpaying guests of the family occupying a dwelling unit;**
 - **Patients, clients or residents of permitted indoor institutional, institutional residential, or community living arrangement land uses ;**
 - **Employees who receive room and/or board as part of their salary or compensation.**

Incidental Room Rental Definitions

Current ordinance

- Definition
 - None



Proposed Ordinance

- Definition
 - **Incidental room rental.** Rental or leasing of rooms within a single-family residence, provided all of the following are met:
 - All rooms offered for rent are within the landowner's principal residence
 - No room has its own kitchen facility
 - No more than two rooms are offered for rent
 - One off-street parking space is provided for each rental room.

Incidental Room Rental Standards

Current ordinance

- Permitted use
 - Not specifically addressed

Proposed Ordinance

- Permitted use
 - See definition
 - Treated as any residential accessory use

Incidental Room Rental

Applicable zoning districts

Current ordinance

- Permitted use
 - N/A
- Conditional use
 - N/A

Proposed Ordinance

- Permitted use
 - Any district that allows single-family residential use
 - Farmland Preservation [FP-35, FP-B, NOT FP-1] (if associated with a farm residence approved under a CUP)
 - Agriculture Transition-35 (if associated with a farm residence approved under a CUP)
 - Residential
 - Rural Residential
 - Rural Mixed-Use
 - Traditional Neighborhood Residential
 - Traditional Neighborhood Mixed-Use

Transient Lodging Definitions

Current ordinance

- Definition
 - None



Proposed Ordinance

- Definition
 - **Transient lodging.**
 - A residence or accessory dwelling unit that rents more than two, but not more than eight, rooms to transient guests or tourists, where all of the following apply:
 - **Buildings housing rental rooms are either within, or on the same lot as, the landowner's principal residence.**
 - **Rooms are rented to no more than a total of 20 individuals who are not members of the landowner's family.**
 - **Length of stay does not exceed twenty-one (21) consecutive days for each registered guest.**
 - **Rooms do not include their own kitchen facilities.**
 - Transient lodging may include, but is not limited to: bed and breakfasts, hostels and recreational cabins.
 - Transient lodging does not include: incidental room rental, campgrounds, duplexes, multifamily housing, rooming houses or indoor commercial lodging.

Transient Lodging Standards

Current ordinance

- Permitted use
 - Not specifically addressed

Proposed Ordinance

- Permitted use
 - N/A
- Conditional Use
 - Standard CUP conditions
 - Limited to 2-8 rooms
 - Same lot as owner's residence
 - Rooms do not have their own kitchen facilities

Transient Lodging

Applicable zoning districts

Current ordinance

- Permitted use
 - N/A
- Conditional use
 - N/A

Proposed Ordinance

- Permitted use
 - N/A
- Conditional Use
 - Residential
 - Rural Residential
 - Rural Mixed-Use
 - Traditional Neighborhood Residential
 - Traditional Neighborhood Mixed-Use

Indoor Commercial Lodging Definitions



Current ordinance

- Definition
 - Defined by specific use, such as “hotel,” “motel, “ etc.

Proposed Ordinance

- Definition
 - **Indoor commercial lodging.**
 - A building or premises that provides lodging to transient or tourist guests, that meets at least one of the following criteria:
 - Provides more than eight rooms available for transient guests;
 - Provides accommodations for more than twenty transient or tourist guests at a time; or
 - Is located in a building that is not on the same lot as the landowner’s principal residence.
 - Indoor commercial lodging may include, but is not limited to: hotels, motels, inns or resorts.
 - Indoor commercial lodging does not include: incidental room rental, transient lodging houses, campgrounds, rooming houses, duplexes or multifamily residences.

Indoor Commercial Lodging Standards

Current ordinance

- Permitted use
 - Not specifically addressed
- Conditional use

Proposed Ordinance

- Permitted use
 - N/A
- Conditional Use
 - Standard CUP conditions

Indoor Commercial Lodging

Applicable zoning districts

Current ordinance

- Permitted use (Motels and hotels)
 - N/A
- Conditional use (Motels and hotels)
 - B-1
 - C-1
 - C-2

Proposed Ordinance

- Permitted use
 - N/A
- Conditional Use
 - Traditional Neighborhood Mixed-Use
 - General Commercial
 - Heavy Commercial